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VIA ECF/EMAIL

Honorable Judge Gregory Woods
United States District Court
Southern District of New York
500 Pearl Street, Room 12C
New York, NY 10007

Re: *Kumaran et al vs. Vision Financial Services, LLC, et al.* 1:20-Cv-03871-GHW-SDA

**LETTER BRIEF IN OPPOSITION TO DEFENDANT JULIE VILLA'S MOTION TO
DISQUALIFY**

Dear Hon. Judge Gregory H. Woods,

Please accept this letter brief in lieu of a more formal pleading with respect to a letter Motion to Disqualify me by pro se Defendant Julie Villa. I have been retained to represent the corporate plaintiffs Nefertiti Risk Capital Management, LLC ("NRCM"), Nefertiti Asset Management, LLC ("NAM") and Nefertiti Holding Corporation ("NHC") in the above referenced matter. I made my appearance in a timely matter pursuant to the order of the Court on April 1, 2022 in accordance with the Court's Order. Subsequently, in the after hours on that same Friday, *Pro Se* Defendant Julie Villa circulated a Motion to Disqualify my appearance based upon a cursory internet search of her own undertaking. I write in advance of that letter Motion to Disqualify me by Ms. Villa.

The letter pointed(points) out that my renewal registration in New York has not been fully updated with my correct address, however fails to include the fact that I am simultaneously licensed and actively registered in New Jersey. Ms Villa notified me in email after hours on a weekend, that she had already filed the said "Motion to Disqualify" me and it had been submitted to the Pro-Se intake office, with no time to correct any errors. This is a little surprising as she made no attempt to reach out or clarify with counsel Plaintiffs prior to her email Friday evening distributing the motion to disqualify me.

I wanted to clarify my background. I have been and am actively registered in New Jersey since leaving Fordham Law School in 2003. I was first registered with the New York Unified Court System in 2005 and have appeared before multiple New York Supreme Courts and Appellate Divisions as well as the Court of Appeals of the State of New York. With regard to Federal Court experience, I have appeared before, and been admitted to, the District Court for the State of New Jersey, both the Southern and Eastern District Courts of the State of New York, and the Second Circuit Court of Appeals. During the last several years I have worked as Of Counsel for Spiro Harrison, in Short Hills, New Jersey and prior to that was with Segal McCambridge in their Jersey City, New Jersey office for approximately a decade. I am actively licensed and registered in New Jersey, and believe the same to be true in New York. My dual registration in New York was a result of my active role in New York State and Federal Courts representing various clients including the Port Authority of New York and New Jersey.

During the pandemic and as many law firms changed to work from home, I have transitioned to my own firm. Recently it was not necessary for me up to re-update my registration in New York, as most of my work has been and continues to be in New Jersey. (See Exhibit 1). Since Ms. Villa has no information about my prior work and registration in New Jersey, her upcoming motion is not based on fact. Also Ms. Villa appears to be attempting to have me disqualified without knowledge of Local Rule 1.3 and the ability of a registered attorney to apply into the Court Pro-Hac Vice, which at the discretion of this Court and resolution of the registration issue would negate any attempt to disqualify me.

The Defendant's Motion

In her motion Ms. Villa, correctly, notes that the New York system currently has outdated information as the business information lists me as working at Segal McCambridge and thus me listed as delinquent. She argues that under the New York State Unified Court System Rules of the Chief Administrative Judge Part 118 I should be disqualified from representation in this case. Further, Ms. Villa, while admitting she has no proof of the same, makes allegations about when I actually entered the case and what time I've had for review. These allegations have no possible basis in fact or evidence, but despite admitting the same Ms. Villa deems it appropriate to profer them to the Court.

My Current Standing with the Court

Ms. Villa's implications regarding some sinister intent are unfortunate as I have not attempted to improperly practice without being admitted in this District Court before Your Honor. Since the time the information cited in the system by Ms. Villa was valid I have switched firms twice. First, to move to Spiro Harrison, LLC, a firm located in Short Hills, NJ largely made up of former partners at a Boise Schiller offshoot. Subsequently, and very recently, I decided to start my own practice, forming Kostus Law, LLC. While I will begin as a solo practitioner, I am still affiliated with Spiro Harrison to some degree and obviously intend to expand.

I did not believe my standing in New York State to be delinquent, as my prior firm, Spiro Harrison, had indicated that they would renew my registration. There are e-mails to this effect with the staff,¹ but I don't currently have access to them and given the timing of Ms. Villa's circulation of her Motion I have not been able to get in touch with anyone who might retrieve them.

Furthering my belief that I was properly registered is that I had to renew my registration with the Second Circuit Court of Appeals² in order to file any documents in that Court with the ECF/ACMS system. This was initiated on March 29, 2022. Similarly, the SDNY website, at nysd.uscourts.gov/attorney-registration states that one of the prerequisites for filing electronically with the Court is that one be "Admitted to practice in the U.S. District Court for the Southern District of New York." As I was able to access the SDNY system and could not access that of the Second Circuit my reasonable inference was that I was properly registered

¹ This is not an attempt to throw any staff "under the bus," I merely wish to make the Court aware that I believed such documents to have been filed.

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with the New York Unified Court System. As such, I will make every effort to resolve this issue with the appropriate administrative offices of the Court prior to Your Honor being required to address the issue.

Finally, with regards to this issue, I believe it is important to note to the Court that I am fully up to date with my NY CLE Requirements, including both ethics and diversity credits and can provide the same to the Court if necessary.³

Pro Hac Vice

From what I've been able to see of the docket in the brief time since I have appeared, Ms. Villa's after-hours weekend motion appears to be evidence of a pattern of attempts to proliferate mis-statements about Plaintiffs or their counsel and interfere in my clients representation before Your Honor.

As such I respectfully request that Your Honor would allow me to move to appear Pro Hac Vice. I am in good standing within the State of New Jersey. as evidenced by their website... the same standard of proof upon which Ms. Villa is relying. (See screenshot of NJcourts.gov, attached as Exhibit "A") I would have provided Your Honor with a copy of my Certificate of Good Standing, but again timing precluded my ability to do so. However, faced with the possibility that such a motion may be necessary, I have applied to the State of New Jersey for a new copy of the same. (See Application for Certificate of Good Standing and check regarding same attached as Exhibit "B")

In addition, in the event that such a step is necessary, the appropriate forms regarding a Pro Hac Vice Motion have been prepared. (See Pro Hac Vice Forms, attached as Exhibit "C"). Again, I look forward to a smooth transition of counsel and to zealously serving my clients effectively. I apologize to Your Honor that such an issue has even been brought before the Court.

Respectfully submitted,

//DSK//

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³ I would have attached these as an exhibit but that seems to be a voluminous exhibit for a Letter Brief. I can promptly provide the same upon Your Honor's request.